

LB2529

N79A4

1910

LIBRARY OF CONGRESS



0 020 312 196 9

Hollinger Corp.
pH 8.5

13 85 24
179 124
(1910)
New York State Education Department

Law Division

FRANK B. GILBERT, Chief

Albany, N. Y., July 1, 1910.

HOW TO CONDUCT ANNUAL SCHOOL MEETINGS

CONTRACTS BETWEEN DISTRICTS FOR EDUCATION
OF CHILDREN

ANNUAL MEETINGS—COMMON SCHOOL DISTRICTS

By following the instructions given in this document much correspondence with the Education Department will be avoided; vexatious questions as to the collection of taxes will be obviated; and the business of the meeting facilitated. It should be noted that the entire Education Law of 1909 was amended by laws of 1910, chapter 140, and the sections referred to herein are those of the amended law.

Appeals to the Commissioner of Education from proceedings of the annual school meeting, which are to be instituted under article 34 of the Education Law, as amended by laws of 1910, chapter 140, should be brought within 30 days after said meeting is held.

Time of annual school district meeting. Section 194 of the Education Law provides that the annual school meeting of each school district shall be held on the *first Tuesday of August in each year*, and, unless the hour and place thereof shall have been fixed by a vote of a previous district meeting, it shall be held *in the schoolhouse at 7.30 o'clock in the evening*. If a district possesses more than one schoolhouse, it shall be held in the one usually employed for that purpose, unless the trustees designate another. If the district possesses no schoolhouse or if the schoolhouse is not accessible, then such meeting shall be held at such place as a trustee, or, if there be no trustee, the clerk shall designate in the notice. The hour designated in the notice of such meeting must be strictly observed. No authority exists for holding the meeting *before* the hour designated, and no legal obligation rests on the inhabitants who may have assembled at such hour to wait *after* such hour for others before organizing and proceeding with the business.

Notice of annual school district meeting. Section 193 of the Education Law makes it the duty of the district clerk to give notice

of the time and place of the annual meeting, by posting five notices of such meeting *in at least five conspicuous places* in such district, *at least five days previous* to the date of such meeting. One of such notices must be posted on the front door of the schoolhouse.

If the office of district clerk is vacant the trustee must give such notice.

Form of notice of annual school district meeting

ANNUAL SCHOOL DISTRICT MEETING

The annual meeting of the inhabitants of school district no... town of... qualified to vote at school meetings in said district, will be held at the schoolhouse in said district, on Tuesday, August 2, 1910, at 7.30 o'clock p. m. for the transaction of such business as is authorized by the Education Law of 1910, and the acts amendatory thereof.

.....

Trustee of the District

Dated July ... 19

The failure of the clerk to post notices of the annual meeting will not of itself render such meeting invalid. The law fixes the time for holding the annual meeting, and its regularity does not depend on any call by trustee or notice by clerk.

Organization

Call to order. The trustees, or some one of them, should call the meeting to order; if no trustee is present, the clerk of the district should do so. In case no trustee or clerk is present, any legal voter of the district may do so.

Election of chairman. Some inhabitant should nominate a qualified voter of the district as chairman of the meeting, and the person calling the meeting to order should put the motion.

Clerk of meeting. *The district clerk* should act as *clerk of the meeting*. If he is not present, the chairman of the meeting should call for nominations for a clerk of the meeting, put the question to *viva voce* vote and declare the person receiving the greatest number of votes elected clerk of the meeting.

Record of meeting. The clerk of the meeting should keep an accurate and complete record of all the proceedings of the meeting and deliver the same at the close of the meeting to the person elected district clerk.

Inspectors of election. Two qualified electors of the district should be appointed inspectors of election in such manner as the



LB 2529
N77A4
1910

meeting shall determine, and these inspectors should receive the ballots cast on all propositions, canvass the same, and announce the result of each ballot to the chairman.

Ballot box. The trustees of the district should see that some proper receptacle is prepared for receiving ballots. The use of a hat for this purpose is not desirable. A box should be prepared.

Order of business

After the meeting is duly organized as outlined above it should proceed to the transaction of business. The meeting is charged by law to consider the following questions and it is suggested that they be taken up in the following order:

1 **Trustees' report.** The trustee or trustees should render a report, in writing, under their hands, containing a just, full and true account of all moneys received by them respectively for the use of the district, or raised or collected by taxes, the previous school year, and of the manner in which the same shall have been expended, and showing to which of them an unexpended balance, or any part thereof, is chargeable; and of all drafts or orders made by them upon the supervisor, collector, treasurer or other custodian of moneys of the district; and a full statement of all appeals, actions or suits and proceedings brought by or against them, and of every special matter touching the condition of the district. [See Education Law, § 278] Such report should be read, and the meeting should act thereon, either by accepting and approving it, or rejecting it, or referring it to a committee for examination.

2 **Collector's report.** The collector should render a report in writing of all his collections, receipts and disbursements. [See Education Law, § 255] Such report should be read, and the meeting should take action thereon as above stated in relation to the report of the trustee or trustees.

3 **Treasurer's report.** The treasurer of the district (if the district has a treasurer) should render a report in writing, containing a full account of all moneys received and of all disbursements made by him and to whom, and the dates of such disbursements, respectively, and the balance of moneys remaining in his hands. Such report should be read, and the meeting should take action thereon as above stated relative to the reports of the trustees and collectors. [See Education Law, § 251, subdiv. 6]

4 **Committees' reports.** Reports of special committees, if any have been appointed, should then be made and action thereon taken by the meeting.

5 Report of contracts. The trustee or trustees should report to the meeting whether any contracts have been made by him or them for the employment of a teacher or teachers for the school of the district for the school year commencing August 1 of that year; and if such contracts have been made, the names of the persons employed, their terms of service and the compensation to be paid.

6 Estimates. The trustee or trustees should also render to the meeting a statement of the amount of money necessary to be raised by tax for the following purposes: payment of teachers' wages after deducting the amount of public school moneys apportioned to the district; for school district library; for fuel and lights; for service of janitor; for insurance of the schoolhouse, furniture etc.; for repairs, if any are necessary, to the schoolhouse, or furniture; and for such other purposes as are authorized by law, including any of those specified in § 205 of the Education Law of 1909, as amended by laws of 1910, chapter 140.

The meeting should take action on such statement, and vote a tax or taxes for the purposes aforesaid. If the meeting fails or refuses to vote the necessary tax to meet the contingent expenses of the year the trustee may issue a tax list for such expenses including the salaries of teachers for four months in advance and any other amount which the law specifically authorizes a trustee to expend.

The vote on all propositions at such meeting, *involving the expenditure of money, or authorizing a levy of a tax or taxes, shall be by ballot, or ascertained by taking and recording the ayes and noes of the qualified voters attending the voting thereat.* [See Education Law of 1909, § 207, as amended by laws of 1910, ch. 140] Taking and recording the ayes and noes means that the clerk must record the name of each person whose vote is received, and write opposite each name aye or no in accordance with the way such person votes.

7 Paying trustees for services. The practice in many districts of voting to pay a trustee \$5, \$10, or any other amount for his services is without authority of law. The office of trustee is an honorary one and a district meeting may not legally vote a compensation of any amount to that officer. A trustee should not accept payment for his services.

8 Election of school district officers. After the foregoing business of the annual meeting has been transacted, such meeting should proceed to elect its school district officers.

Election of district officers

Eligibility of district officers. Every school district officer must be a resident of his district, and qualified to vote at its school district meetings. *No person is eligible to any district office who can not read and write.* A person to be eligible to the office of treasurer of a district *must also be a taxable inhabitant of the district.* *No person can hold more than one school district office at one and the same time.* The librarian of the district must be a teacher in the school in the district, and appointed by the trustee or trustees.

Mode of electing school district officers. *All school district officers must be elected by ballot.* The two inspectors of election appointed by the meeting should receive the ballots as cast and deposit them in the ballot box provided by the trustees. The clerk of the meeting must keep a poll list containing the name of every person whose vote shall be received. The clerk should set opposite the name of every person whose right to vote is challenged the word "challenged," and if the person makes the declaration required by law, he should so state; and if such person refuses to make such declaration, he should so state. The ballots shall be written or printed, or partly written and partly printed, containing the name of the person voted for and designating the office which he is voted for. The meeting may vote for candidates for all the district offices on one ballot, or may vote for each officer separately. If the meeting decides to vote for each district officer separately, as for example, for trustee, a ballot with the name of a person thereon but without the designation "for trustee," will be legal. The custom which has prevailed in some districts where there appeared to be but one candidate for a district office, to adopt a resolution that the clerk, or some other person, cast a ballot for such candidate, *is not a compliance with the Education Law.*

When a ballot is closed, the inspectors should proceed to count, *but without opening them,* the ballots in the ballot box, and compare the whole number with the number of names on the poll list, and, if the whole number of ballots *is equal* to or *less* than the number of names on the poll list, such inspectors should proceed to count the ballots and announce the result to the chairman of the meeting; but, if the ballots *exceed* in number the names on the poll list, such inspectors should place the ballots in the box and draw therefrom the number of ballots in excess and destroy them, and then canvass the votes remaining, as above stated and announce the result to the chairman. The chairman should announce such result to the meeting. The persons receiving *a majority* of all the votes

cast, are elected to the offices for which they were voted. The chairman must declare to the meeting the result of each ballot as announced by the inspectors. The chairman only announces the result. He has no authority to decide as to the legality of the election. If no person has received a majority of the votes cast, or there shall be a tie, a new ballot must be taken.

Notice of election. The district clerk or the person acting as clerk at the annual meeting must forthwith give notice, in writing, to the persons elected to district offices; but, if any person so elected was present at such meeting, such presence shall be deemed a sufficient notice of such election.

Qualifications of electors

Who are voters. *All voters* at school meetings in either common or union school districts must have all of the following general qualifications:

General qualifications

- 1 A citizen of the United States.
- 2 21 years of age at least.
- 3 A resident within the district for a period of at least 30 days next preceding the meeting at which he or she offers to vote.

Any person who possesses all of the above general qualifications *and any one* of the four following special qualifications is entitled to vote.

Special qualifications

- 1 One who owns or hires, or is in the possession under a contract of purchase of real property in such district liable to taxation for school purposes.

2 One who is the parent of a child or children of school age, provided such child or children shall have attended the district school in the district in which the meeting is held for a period of at least eight weeks within the school year preceding such school meeting. (Under this provision both father and mother may vote.)

3 One who, not being the parent, has permanently residing with him or her a child or children of school age who shall have attended the district school for a period of at least eight weeks within the school year preceding such meeting. (Under this provision but *one* person may vote, viz, the head of the household.)

4 One who owns any personal property assessed on the last preceding assessment roll of the town exceeding \$50 in value, exclusive of such as is exempt from execution. [See Education Law, § 203, as amended by laws of 1910, ch. 140]

Qualified voters may vote on *any* question brought before any annual or special school meeting.

Women possessing any of the above qualifications are entitled to vote.

Challenge of persons offering to vote. Every qualified voter in a school district *has the right and it is his duty* to challenge any person offering to vote, whom he knows, or has reasonable cause to believe, is not a qualified voter in the district. The person so challenged can not be sworn, nor asked any questions as to his qualifications as a voter, but the chairman of the meeting must require such person to make the following declaration:

DECLARATION. "I do declare and affirm that I am, and have been, for 30 days last past, an actual resident of this school district, and I am qualified to vote at this meeting."

If the person challenged *makes* such declaration, his vote must be received; but if such person *refuses* to make such declaration his vote must be rejected.

Any person who shall wilfully make a false declaration of his right to vote, after being challenged, shall be deemed guilty of a misdemeanor.

Any person not qualified, who votes at any school meeting shall forfeit \$10 to be sued for by the supervisor of the town. [*See Education Law, § 204, 205, as amended by laws of 1910, ch. 140*]

ANNUAL MEETINGS—UNION FREE SCHOOL DISTRICTS WHOSE LIMITS DO NOT CORRESPOND WITH THOSE OF A CITY OR INCORPORATED VILLAGE

Annual school district meetings. In union free school districts whose limits do *not* correspond with those of an incorporated village, or city, the annual school district meeting shall be held on the first Tuesday of August.

Notice of annual meeting. The clerk of each of such districts shall give notice of the time and place of holding the annual school district meeting, by publishing such notice once in each week for the four weeks next preceding such meeting, in two newspapers if there shall be two, or in one newspaper if there shall be but one, published in such district; but if no newspaper shall be published therein, then such notice shall be posted in at least 20 of the most public places in said district 20 days before the time of such meeting. [*Education Law, § 193, as amended by laws of 1910, ch. 140*]

Contents of notice. The notice should clearly state the time and place of the meeting, and may be in the same form as that of an annual school district meeting, except as to the reference to the district. [See form on p. 2] If it is proposed to vote at the annual meeting for (1) additions to sites or new sites, (2) additions to buildings or new buildings, the notice must clearly indicate the amount of the tax to be voted therefor, and the object of such tax. [Education Law, § 467, subdiv. 3, as amended by laws of 1910, ch. 140]

Financial statement to be published. It is the duty of the board of education to publish in at least one newspaper in the district, at least 20 days next before the annual meeting, a full and detailed account of all moneys received by the board or the treasurer of the district, for its account and use, and of all the money expended therefor, giving the items of expenditure in full. If there is no newspaper published in the district such account must be published by posting copies thereof in five public places in the district. [Education Law, § 321, as amended by laws of 1910, ch. 140]

There should be published or posted with such statement an estimate of the sums necessary to be raised by tax for teachers' wages, purchase of apparatus and fixtures, new furniture, repairs to buildings and furniture and other necessary school expenses.

Presentation of statement of taxes to be raised. The board of education should present to such annual meeting the aforesaid statement after the meeting is organized and the reports of such board and other officers have been presented and acted on, and the question should then be taken on voting the necessary taxes to meet the estimated expenditures. Any qualified voter present at the meeting may demand that a vote be taken on each item separately. The meeting may increase the amount of any estimated expenditure, or reduce the same, except for teachers' salaries and the ordinary contingent expenses of the school or schools. If the annual meeting refuses to vote the amount estimated for teachers' salaries or contingent expenses, the board may levy a tax therefor the same as though such amounts had been regularly voted by the meeting. [See Education Law, § 324, 325, as amended by laws of 1910, ch. 140]

Method of voting. On all propositions arising at such meeting involving the expenditure of money, or authorizing the levy of a tax or taxes, in one sum or by instalments, the vote must be by ballot, or ascertained by taking and recording the ayes and noes of the qualified voters attending and voting at such meeting.

Election of school district officers. The only officers to be elected at such annual meeting are, members of the board of education in place of the members whose term of office then expires, or members to fill vacancies existing in the board; such officers must be elected by ballot, in the manner outlined on pages 5 to 7 of this circular. The clerk, treasurer and collector are elected by the board of education. [See Education Law, § 254, as amended by laws of 1910, ch. 140]

Qualifications of voters. The qualifications of voters are also the same as those outlined for common school districts on pages 6 and 7.

Districts having more than 300 children. In union free school districts whose limits do not correspond with those of a city or incorporated village, in which the number of children of school age exceeds 300, as shown by the last annual report of the board of education to the school commissioner, except districts organized under a special act of the Legislature, in which the time, manner and form of the election of officers shall be different from that prescribed for the election of officers under the general law, and except union free school districts in the counties of Suffolk, Chenango, Warren, Erie and St Lawrence, the qualified voters therein may, at any annual meeting, or at any special meeting duly called, by a majority of those present and voting, to be ascertained by taking and recording the ayes and noes, determine that *the election of the members of the board of education* shall be held on the Wednesday next following the day designated for holding the annual meeting of the district. Such election shall conform in all respects to the provisions of section 303 of the Education Law, as amended by laws of 1910, chapter 140.

Free textbooks. The qualified voters of any union free school district present at the annual meeting therein, *for which a notice has been duly given that such a vote will be taken*, or at a special meeting therein, duly and legally called for that purpose, shall have power, by a majority vote, to be ascertained by taking and recording the ayes and noes, to vote a tax for the purchase of all textbooks used, or to be used, in the schools of the district. [See Education Law, § 673, as amended by laws of 1910, ch. 140]

CONTRACTS BETWEEN DISTRICTS FOR INSTRUCTION OF PUPILS

Article 21 of the Education Law provides as follows:

§ 580 District meeting to authorize contract system. Any school district may decide by a majority vote of the qualified voters present and voting at any district meeting:

1 To contract for the education of all the children of such district in another district or in a city instead of maintaining a home school;

2 To contract for the education of part of the children of such district in another district or in a city and maintain a home school.

§ 581 District or city with which such contract may be made.

1 Such contract may be made with one or more districts or cities. The district meeting authorizing such contract may designate the districts or cities with which such contracts may be made.

2 If the district meeting fails to make such designation or if any district or city so designated refuses to make such contract, the trustees of the district authorizing such contract may enter into a contract with a district willing to make such contract.

§ 582 Trustees or boards of education may contract to receive such children. The trustees or board of education of any district or city may enter into a contract to receive and educate in the schools of such district or city the children of any district which shall authorize its trustees to contract for the education of its children as provided by section 580 of this chapter

§ 583 Form of contract. Such contract shall be written and in the form prescribed by the Commissioner of Education.

§ 584 Validity of contract. Such contract shall not be valid or binding upon either party thereto until a copy thereof is filed with the Commissioner of Education and approved by such Commissioner.

§ 585 Apportionment to contracting district. 1 Whenever the period of time which a district contracts for the education of its children or such period together with the time school is actually taught in said district shall amount to 160 days and the contract shall include all the children of school age in such district, such district shall be entitled to receive one district quota.

2 Whenever a district maintains a home school and contracts for the education of at least 12 of its children in another district or city, it shall be entitled to one teacher's quota in addition to its district quota.

3 No school district operating under the contract system shall receive a greater apportionment than the total expense incurred in payment of tuition and transportation of pupils as shown by the report of the trustee to the school commissioner.

§ 586 **Report of pupils from other districts.** The children attending a school under any such contract shall be reported to the Commissioner of Education by the trustees or board of education of the district or city wherein such children attend school as though they were residents of such city or school district.

Rulings under contract system

The following important rulings have been made by the Education Department upon this law:

1 The contract must be authorized by a majority vote at the annual meeting or a special meeting of the district. The vote must be by ballot or by taking and recording the ayes and noes. When such contract has been legally authorized the trustee must make it. When a district authorizes a contract, the trustee may contract with two or more districts if better educational facilities may be obtained thereby.

2 If the distance from the homes of any of the children to the schoolhouse at which they are required to attend school under such contract is too great for such children to walk to and from school daily the district must provide for their conveyance. The trustee is not authorized to provide such conveyance until directed to do so by a district meeting. The district meeting should therefore take proper action on this question when it authorizes a trustee to contract. If the distances to be traveled exceed 2 miles and no provision is made for conveyance the Commissioner of Education will withhold his approval.

3 The contract should be for at least 160 days and should provide for all children of school age in the district. If such contract is for less than 160 days school must be maintained in the district a sufficient number of days, so that the combined number of days for which provision has been made by contract and for which school is maintained in the district shall equal at least 160 days.

4 Districts making contracts in accordance with the above provisions will be entitled to receive one district quota, provided the contracts are approved by the Commissioner of Education. A district quota is \$200 in a district having an assessed valuation of \$20,000 or less; \$175 in a district having an assessed valuation of \$40,000

or less but exceeding \$20,000; \$150 in a district having an assessed valuation of \$60,000 or less but exceeding \$40,000; and \$125 in all other districts. If a district maintains a school and contracts for part of its children and at least 12 pupils attend under such contract it will be entitled to a district quota and also to a teacher's quota. A teacher's quota is \$100. In no event, however, will the State apportion to any school district contracting for the education of its children an amount in excess of the actual expenses incurred for tuition and transportation of pupils. *A contract will not be approved which calls for the payment of more than \$25 for each pupil for the entire period.*

5 Trustees can not legally apportion among the parents of pupils attending school under contract, as compensation for the transportation of their children, any balance of State money which may remain after paying the tuition of such pupils. Such balance may be used to pay for the transportation of children when such children have been provided with transportation under a bona fide contract. Trustees can not lawfully pay from the funds of the district the tuition of pupils who are not attending school under a contract made in pursuance of the law given above.

6 If a district does not maintain a home school, but contracts for the education of its children in another district, such contract must provide for the education of all of the children of school age residing in the district. Provision can not be made by which all children below the high school grade shall be thus educated and those who attend the high school be permitted to enter under the act providing for the free tuition of nonresident students.

7 A contract will not be approved where it clearly appears that the district is sufficiently strong financially and has a sufficient number of pupils of school age, to properly support a home school, and the distances between the districts are so great as to materially lessen the school privileges of the younger pupils in the contracting district.

8 Trustees can not legally contract with parents for the transportation of their children. The intent of the law in providing transportation is that it should be regular and daily; that individual parents should not derive pecuniary advantage from it; and that nothing should be left to parental convenience or caprice. The general rule should be that one person of proper character, furnishing suitable accommodations, should be regularly employed and the contract for transportation should be awarded, after opportunity

for competition, to the most reliable party who will furnish the best transportation at the lowest cost to the district.

9 All contracts made under the provisions of this law must be in the form required by this Department. These contracts should be made in duplicate and one forwarded to this Department for approval. Such contracts are not valid until approved by the Commissioner of Education. Blank forms of contract will be supplied by this Department. The information required on the third page of the document containing such blank form must be supplied before a contract will be approved.

LIBRARY OF CONGRESS



0 020 312 196 9

LB 2529

N79A4

1910

LIBRARY OF CONGRESS



0 020 312 196

Hollinger Corp.

pH 8.5